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ZNR UUUUU ZZH (CCY PARA 3 CLASS AD00AAF822/MSI0250 510)
P 252234Z JUN 08
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 3350
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8263
RUEHCV/AMEMBASSY CARACAS PRIORITY 0611
RUEHLP/AMEMBASSY LA PAZ JUN 9522
RUEHPE/AMEMBASSY LIMA PRIORITY 6300
RUEHZP/AMEMBASSY PANAMA PRIORITY 1914
RUEHQT/AMEMBASSY QUITO PRIORITY 6966
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4473

UNCLAS BOGOTA 002317

SENSITIVE
SIPDIS

C O R R E C T E D C O P Y (PARA 3 CLASS CORRECTED)

E.O. 12958: N/A
TAGS: [PTER](#) [PGOV](#) [PREL](#) [ECON](#) [SOCI](#) [CO](#)
SUBJECT: COFAN INDIGENOUS GROUP DEMANDS CONSULTATIONS ON
MILITARY BASE

REF: BOGOTA 6535

SUMMARY

11. (U) The Santa Rosa del Guamuez Cofan Indigenous community petitioned the Inter-American Commission on Human Rights (IACHR) to seek precautionary measures requiring the GOC to consult with them on plans to build a military base near their territory. The Santa Rosa representatives (who clash with other Cofan tribes in the area) contend the base will have adverse environmental and social impacts on their community, and say the GOC is legally obligated to consult with them prior to construction. The Ministry of Defense

(MOD) tells us the territory is not part of an indigenous reserve, and consultations are not required. Still, the MOD offered to meet the Cofan to discuss their concerns, but the Cofan refused, demanding the completion of environmental and social impact studies prior to a meeting. The MOD says the base is needed due to the heavy presence of narcotraffickers and illegal armed groups in the region. End Summary.

PRIVATE VS. INDIGENOUS LAND?

12. (U) On March 10, 2008 the Santa Rosa Cofan indigenous community filed a complaint seeking precautionary measures with the IACHR regarding the Ministry of Defense's (MOD) plans to build a military base near their indigenous reserve. The MOD notes that it purchased 173 hectares of land (Finca Maraveles) in 1989 from Alfonso Sanchez. Sanchez had held a valid title to the land since 1973. The Cofan allege that Sanchez "invaded" their land, but have no maps or other documents to prove this. They claim the GOC has lost maps proving the land's connection to the Cofan, but have not brought any legal action challenging Sanchez' ownership. The Santa Rosa Cofan community has about 240 members--three other Cofan reserves are in the area. They estimate the total Cofan population in Putumayo is about 1500; other members live in Ecuador.

13. (SBU) Ministry of Interior and Justice (MOIJ) Director of Indigenous Affairs Edilberto Herrera told us the GOC promised eight hectares of the Finca Maraveles land, which the Cofan considers religious burial grounds, to the indigenous group in the 1970's. He said the policy at that time was to promise first and confirm proper titling of the land later. Although no written documentation of this promise has been found, Army Commander Mario Montoya tells us the military has agreed to create an eight hectare buffer between the base and the community. MOD sources added that the GOC is prepared to

grant unlimited Cofan access to the eight hectares or to even sell back that part of the property. The dispute over construction of the military base dates from 2006.

CONSULTATIONS HINGE ON ENVIRONMENTAL IMPACT

¶4. (U) International treaties, the Colombian constitution, and court decisions (see reftel) require the GOC to consult with indigenous groups about actions that affect them. The MOD says consultations are not required in this case, because the property was privately purchased and was not part of an indigenous reserve. Herrera confirmed this was true, with the caveat that consultations are needed if there are "environmental or social impacts" on an indigenous community. The Cofan fear the planned 200-soldier base will adversely affect them. In addition to helicopter noise and "indiscretions" by young soldiers, they claim patrols improperly enter their homes. An additional concern is the contamination of the headwaters of the river they use for fishing, traditional ceremonies, and washing. The Cofan say a waste pipe currently flows directly from the base construction site to the river, with no visible filtration system.

¶5. (U) MOD Human Rights Office Director Colonel Juan Carlos Gomez told us he visited the military base on June 21, and saw a small creek in the area, not a river. He denied there would be any environmental impact, claiming the waste produced by the base is properly filtered. Gomez said the MOD has completed the list of studies the Cofan requested and was prepared to present the information to the community on June 21, but the Cofan refused to meet with him--they wanted to see the studies first. Instead, he met with the mayors of San Miguel and Hormiga who support the base opening and the new road it will bring, noting the economic benefits to the 70,000 people in their communities. The Santa Rosa Cofan

leaders concede that local residents, as well as various tribes within the Cofan nation, are divided on the base issue.

HALTED DIALOGUE

¶6. (U) Carlos Salinas, director of the U.S. human rights group Healing Bridges, and his lawyer Juan Pablo Berrios legally represent the Cofan and filed the complaint with the IACHR. They told us the community requested that the IAHCR ask the GOC to halt construction of the base, and provide: 1) plans for the construction of the base, to include a list of machinery and chemicals to be used, and any plans to move the earth, 2) environmental impact study, in particular related to water sources, and 3) political, cultural, social, and economic impact studies. They are concerned about on-going construction at the site.

¶7. (U) The Putumayo region is a strategic drug-production and transport area, and has a strong FARC presence. Illegal armed groups and narcotraffickers often exploit locals in their efforts to continue operations. The Cofan elders acknowledged the presence of narcotraffickers and criminal groups in the region, but complained that military presence would attract more violence.

¶8. (U) Accion Integral indigenous expert Fanny Romero told us that although their office does not usually conduct the consultations, they could assist the MOD to start a dialogue with the Cofan and could also help address the Cofan's environmental concerns. In addition, they could provide sensitivity training to the military. Post forwarded Cofan complaints to Accion Integral, and they have begun to coordinate with the Human Rights Office in the MOD on this issue. Post is also facilitating an exchange of information between the MOD and the Cofan in an effort to start a meaningful dialogue.

BROWNFIELD